

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

**HARRY A. CHURCH,**

**Plaintiff,**

**vs.**

**THE REDFLEX GROUP, INC.**

**Defendant.**

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**Case No. 2:11-CV-187**

**RESPONSE TO REQUEST FOR ENTRY OF DEFAULT**

Comes the Defendant, Redflex Traffic Systems, Inc., (“Defendant”), by counsel, and files this response and objection to the request for entry of default filed today by Plaintiff. The request should be denied because the prerequisites for the entry of default have not been met.

First, Plaintiff has not filed an affidavit or other proof supporting his claim for relief, as required by Fed. R. Civ. Pro. 55(a). Secondly and more importantly, the time for Defendant to file an answer or other response has not run. Based upon the interrelationship between Fed. R. Civ. Pro. 81(c) and Fed. R. Civ. Pro. 6, Defendant’s response to the Complaint is not due until July 6, 2011, at the earliest. Based upon the foregoing, there is no basis for Plaintiff’s request for the Clerk to enter default against Defendant.

Respectfully submitted,

/s/ Michael S. Kelley

Michael S. Kelley BPR #014378

Kathy D. Aslinger BPR #019282

KENNERLY, MONTGOMERY & FINLEY, P.C.

4<sup>th</sup> Floor, Nations Bank Center

550 Main Street

P.O. Box 442

Knoxville, TN 37901

(865) 546-7311

ATTORNEYS FOR DEFENDANT

#### CERTIFICATE OF SERVICE

I hereby certify at on July 5, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing by operation of the Court's electronic filing system to all parties registered to receive notifications electronically.

/s/ Michael S. Kelley